

# **Revisions to Proposed Regulation for Architectural Paint Recovery Program**

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November 2, 2011 Public Meeting

# Overview of Regulatory Process

1. Scoping Sessions
2. Initial draft
3. Informal workshop
4. File proposed regulations and CEQA docs
5. Public comment
6. Public hearing
7. Revisions/public comment  
(Oct 10-25; Nov 9-24)
8. Adoption at public meeting (Dec)
9. File final rulemaking (OAL)
10. OAL approves or disapproves regulation  
(Feb/Mar 2012)

## **§18950. Purpose of Regulation**

- Clarify existing statute
- Establish administrative procedures
- Provide uniform competitive business environments

# Outline of Proposed Regulation

- Purpose
- Definitions
- Submittals
- Criteria for Plan Approval
- Annual Report  
Compliance Criteria
- Civil Penalties
- Record Retention
- Proprietary,  
Confidential, or Trade  
Secret Information
- Service Payments to  
Dept. of Resources  
Recycling and Recovery

Red = change made in section

# General Comments

**General Comment #1:** CalRecycle lacks authority to include requirements beyond statute.

**General Comment #2:** The language in the proposed regulation should duplicate statute.

**General Comment #3:** Reporting requirements for program activities go beyond what is allowed in statute.

## §18951. Definitions.

(f) “Operational costs” means costs to operate a manufacturer or stewardship organization’s paint stewardship program, including, but not limited to, collection, transportation, processing, disposal, and education and outreach costs.

# §18952. Submittals.

(b)~~(2)~~ (1) The information submitted in a stewardship plan shall address the criteria for approval in §18953 and be organized according to this standard outline:

- (A) Contact Information
- (B) Scope
- (C) Program Goals and Activities
- ~~(D) Solid Waste Management Hierarchy~~
- ~~(E)~~ (D) Collection Systems
- ~~(F)~~ (E) Market Development
- ~~(G)~~ (F) Financing Mechanism
- ~~(H)~~ (G) Education and Outreach
- ~~(I)~~ (H) Program Performance Measurement
- ~~(J)~~ (I) Stakeholder Consultation
- ~~(K)~~ (J) Audits
- (K) Environmental Information

## **§18953. Stewardship Plan Approval Criteria.**

(a)(11) Environmental information. Stewardship plans shall be accompanied with information needed for CalRecycle to complete an initial study under the California Environmental Quality Act.



# What was not included?

§18951(f) re: revision of the definition of “Operational costs” to include **administration costs**.

# What was not included?

§18953(b)(2) re: conditional approvals and clarification of when CalRecycle's review period begins

# What was not included?

§18952(c)(3) re: CalRecycle findings of compliance or non-compliance for annual reports and circumstances requiring resubmittal or provision of supplemental information related to the annual report

# What was not included?

§18955.1, Tables I and II: Remove all violations from these tables except the first in each re: selling or offering for sale in this state, architectural paint that is not covered under a department-approved stewardship plan or listed as a compliant product on the department's website.

# What was not included?

Recommendation to strike all of §18956.  
Record Keeping Requirements due to the  
assertion that CalRecycle lacks authority to  
require such records.

# What was not included?

§18958. Service Payments to Department of Resources Recycling and Recovery re: the need for CalRecycle to comply with the Administrative Procedures Act and to either strike this entire section or identify a specific fee and demonstrate the need for the fee amount.

## Next Steps

- 15-day public comment period is scheduled for November 9 – November 24, 2011.
- Check status of rulemaking anytime at:  
<http://www.calrecycle.ca.gov/Laws/Rulemaking/Paint/>

# Questions?